

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Melvin H. Perryman
Janet M. Perryman**
Debtor(s)

Bankruptcy Case No.: 16-10815-TPA
Per May 23, 2017 Proceeding
Chapter: 13
Docket No.: 55 – 44, 50
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 18, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: LSF9 Master Participation Trust (Claim No. 8-2) .
- ☒ H. Additional Terms: M&T Bank (Claim No. 10) shall be paid \$13,841.73 with 5% interest at \$224.09 per month.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: May 24, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Melvin H. Perryman
 Janet M. Perryman
 Debtors

Case No. 16-10815-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

Page 1 of 2
 Total Noticed: 40

Date Rcvd: May 24, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 26, 2017.

db/jdb
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 14280478
 14280477
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+Melvin H. Perryman, Janet M. Perryman, 1523 Scandia Road, Warren, PA 16365-8443
 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, CO 80129-2386
 +American Express, PO Box 981537, El Paso, TX 79998-1537
 +American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 +American Express Department Stores, PO Box 8218, Mason, OH 45040-8218
 +Aqua Finance, Inc. FBO Connexus Credit, PO Box 3256, Milwaukee, WI 53201-3256
 +Aqua Finance, Inc. FBO Connexus Credit, 1 Corporate Drive, Wausau, WI 54401-1722
 +COLLECTION SERVICE CENTER INC, 363 VANADIUM ROAD, STE 109, PITTSBURGH PA 15243-1477
 (address filed with court: Collection Service Center, 250 Mount Lebanon Boulevard, Suite 420, West Mifflin, PA 15122)
 +Cathy Vavala, Tax Collector, 160 Jennie Lane, Warren, PA 16365-5305
 +CitiFinancial Servicing LLC, P.O. Box 6043, Sioux Falls, SD 57117-6043
 +Citifinancial, 605 Munn Road East, BSP13A, Fort Mill, SC 29715-8421
 +Citimortgage, Inc., PO Box 9438, Gaithersburg, MD 20898-9438
 +Citimortgage, Inc., PO Box 10002, Hagerstown, MD 21747-0002
 +Collection Service Center, PO Box 560, New Kensington, PA 15068-0560
 +Creditech, PO Box 99, Bangor, PA 18013-0099
 +FNB Consumer Discount, 210 Liberty Street, Warren, PA 16365-5708
 +John H. Susz, DPM PC, 514 Springside Drive, Warren, PA 16365-5301
 +LSF9 Master Participation Trust, Caliber Home Loans, Inc., PO Box 24330, Oklahoma City, OK 73124-0330
 +M&T Bank, PO Box 1508, Buffalo, New York 14240-1508
 +PINGORA LOAN SERVICING, LLC, PHH Mortgage Corporation,, One Mortgage Way, Mailstop: SV01, Mount Laurel, NJ 08054-4637
 +Penn Credit Corporation, 916 South 14th Street, Harrisburg, PA 17104-3425
 +Penn Credit Corporation, PO Box 988, Harrisburg, PA 17108-0988
 +Pine Grove Ambulatory Surgery Center, 10 Timberview Lane, Upper Level, Russell, PA 16345-4150
 +Quality Asset Recovery, 7 Foster Avenue Suite 101, Gibbsboro, NJ 08026-1191
 +Regency Finance Company, 210 Liberty Street, Warren, PA 16365-5708
 +Saint Vincent Health Center, 232 West 25th Street, Erie, PA 16544-0001
 +Saint Vincent Institute, 3530 Peach Street L11, Erie, PA 16508-2768
 +Sears/CBNA, PO Box 6282, Sioux Falls, SD 57117-6282
 +Sears/CBSD, 701 East 60th Street North, PO Box 6241, Sioux Falls, SD 57117-6241
 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 +Warren County 2016 Property Taxes, c/o Cathy Vavala, Tax Collector, 160 Jennie Lane, Warren, PA 16365-5305
 +Warren General Hospital, 2 West Crescent Park, Warren, PA 16365-2199

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr E-mail/Text: camanagement@mtb.com May 25 2017 00:57:42 M&T Bank, 1100 Wehrle Drive, Williamsville, NY 14221

14280473 E-mail/Text: camanagement@mtb.com May 25 2017 00:57:42 M&T Bank, 1100 Wehrel Drive, Buffalo, NY 14221
 14280474 E-mail/Text: camanagement@mtb.com May 25 2017 00:57:42 M&T Bank, PO Box 900, Millsboro, DE 19966
 14308021 E-mail/PDF: cbp@onemainfinancial.com May 25 2017 00:50:56 ONEMAIN, PO BOX 70912, CHARLOTTE NC 28272-0912
 14280475 +E-mail/PDF: cbp@onemainfinancial.com May 25 2017 00:51:10 OneMain Financial, 6801 Colwell Boulevard, c/s Care Dept., Irving, TX 75039-3198
 14280476 +E-mail/PDF: cbp@onemainfinancial.com May 25 2017 00:50:58 OneMain Financial, 300 Saint Paul Place, BSP13A, Baltimore, MD 21202-2120
 14301683 E-mail/Text: bnc-quantum@quantum3group.com May 25 2017 00:57:48 Quantum3 Group LLC as agent for, Connexus Credit Union, PO Box 788, Kirkland, WA 98083-0788
 14280482 +E-mail/Text: dshelton@svhs.org May 25 2017 00:57:45 Saint Vincent Consultants in Cardiology, 2315 Myrtle Street, Suite 190, Erie, PA 16502-4604

TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr CitiFinancial Servicing, LLC
 cr LSF9 Master Participation Trust
 cr WF 19 Grantor Trust
 14280469* +COLLECTION SERVICE CENTER INC, 363 VANADIUM ROAD, STE 109, PITTSBURGH PA 15243-1477
 (address filed with court: Collection Service Center, PO Box 14931, Pittsburgh, PA 15234)
 TOTALS: 3, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-1

User: jmar
Form ID: 149

Page 2 of 2
Total Noticed: 40

Date Rcvd: May 24, 2017

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 26, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 24, 2017 at the address(es) listed below:

Douglas Smillie on behalf of Creditor M&T Bank dsmillie@flblaw.com, ccharlton@flblaw.com
James Warmbrodt on behalf of Creditor WF 19 Grantor Trust bkgroup@kmlawgroup.com
Jerome B. Blank on behalf of Creditor LSF9 Master Participation Trust pawb@fedphe.com
Jill Manuel-Coughlin on behalf of Creditor CitiFinancial Servicing, LLC jill@pkallc.com,
chris.amann@pkallc.com;nick.bracey@pkallc.com;samantha.gonzalez@pkallc.com;harry.reese@pkallc.com
Joseph B. Aguglia, Jr. on behalf of Joint Debtor Janet M. Perryman jaguglia@verizon.net,
googz21@hotmail.com
Joseph B. Aguglia, Jr. on behalf of Debtor Melvin H. Perryman jaguglia@verizon.net,
googz21@hotmail.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 8